

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (AT DAYTON)

IN RE HUFFY CORPORATION	:	CONSOLIDATED
SECURITIES LITIGATION	:	CASE NO. 3:05-cv-0028
	:	
	:	(Judge Walter Herbert Rice)
	:	(Magistrate Judge Sharon L. Ovington)
	:	
	:	DEFENDANTS' MOTION FOR
	:	LEAVE TO AMEND ANSWER OF
	:	DEFENDANTS TO PLAINTIFFS'
	:	CONSOLIDATED CLASS ACTION
	:	COMPLAINT FOR VIOLATION OF
	:	<u>THE FEDERAL SECURITIES LAWS</u>
	:	

Pursuant to Fed. R. Civ. P. 15(a)(2), and S.D. Ohio Civ. R. 7.3, Defendants Don R. Graber, Timothy G. Howard, Robert W. Lafferty and Paul R. D'Aloia (collectively "Defendants") move for leave to amend the Answer Of Defendants To Plaintiffs' Consolidated Class Action Complaint For Violation Of The Federal Securities Laws (Doc. No. 79).

On October 14, 2008, counsel for Plaintiffs sent a letter to Defendants asking for clarification of certain paragraphs in Defendants' Answer. While Defendants do not believe that clarification of their answer is necessary, it would be a waste of time and resources to argue about it. Therefore, Defendants move to file the attached Amended Answer, which is identical to the previously filed answer, but with additional denials. Counsel for the Parties have conferred; Plaintiffs do not oppose this Motion.

The proposed Amended Answer is attached as Exhibit 1. A proposed Order is attached as Exhibit 2.

Respectfully submitted,

s/ D. Jeffrey Ireland

D. Jeffrey Ireland (0010443)

Trial Attorney

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**MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION FOR LEAVE TO
AMEND ANSWER OF DEFENDANTS TO PLAINTIFFS' CONSOLIDATED CLASS
ACTION COMPLAINT FOR VIOLATION OF THE FEDERAL SECURITIES LAWS**

Defendants Don R. Graber, Timothy G. Howard, Robert W. Lafferty and Paul R. D'Aloia (collectively "Defendants") move for leave to amend the Answer Of Defendants To Plaintiffs' Consolidated Class Action Complaint For Violation Of The Federal Securities Laws (Doc. No. 79). The Amended Answer clarifies Defendants' prior averments and preserves Defendants' defenses in the instant matter.

Fed. R. Civ. P. 15(a) provides that courts "should freely give leave when justice so requires." On October 14, 2008, counsel for Plaintiffs sent a letter to Defendants requesting clarification of Defendants' Answer.

On October 14, 2008, counsel for Plaintiffs sent a letter to Defendant requesting amendment of Defendants' Answer. In particular, Plaintiffs disagree with Defendants' reading of the Court's September 17, 2008 Decision and Entry Sustaining in Part and Overruling in Part Defendants' Motion to Dismiss (Doc. #24); Plaintiffs' Amended Complaint (Doc. #22) Deemed Amended; No Further Amended Complaint Necessary; Stay of Discovery Vacated (Doc. No. 74) ("Decision and Entry"). In an effort to conserve judicial economy and to preserve Defendants' defenses, Defendants move to file the attached Amended Answer, which clarifies and further answers Defendants' original averments. Paragraphs with additional denials are as follows: 54, 114, 117(d), 118(e), 127, 129(e), 138, 140(e), 145, 149(e), 157, 158(e), 159(f), 173 and 175(e).

Accordingly, the Court should grant Defendants' motion for leave to amend their Answer.

Respectfully submitted,

s/ D. Jeffrey Ireland

D. Jeffrey Ireland (0010443)

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CERTIFICATE OF SERVICE

I certify that on the 17th day of October, 2008, I electronically filed the foregoing Defendants' Motion for Leave to Amend Answer of Defendants to Plaintiffs' Consolidated Class Action Complaint for Violation of the Federal Securities Laws with the Clerk of Courts using the CM/ECF system, which will send notification of such filing to CM/ECF participants, and I hereby certify that I have mailed by United States Postal Service the document to the non-CM/ECF participants:

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